IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22212 of 2007(S)

PETITIONER:

N.E.DIANASCIOUS, S/O ENAS, AGED 37,
CONVENER - NELVAYAL SAMRAKSHNA SAMITHI,
NADUVILE VEETIL, KALATHRA, KANNAMALY P.O.,
PIN-682008.

BY ADV. SRI.G.KRISHNAKUMAR

RESPONDENTS:
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1. DISTRICT COLLECTOR,COLLECTORATE, KAKKANAD,
   ERNAKULAM DISTRICT.

2. CHELLANAM GRAMA PANCHAYATH,
   ANDIKADAVU P.O., REPRESENTED BY ITS
   SECRETARY, KOCHI-682008.

3. JERSON K.J., S/O LATE K.J. JOSEPH,
   AGED 47, KILIYARA HOUSE, KONAM DESOM,
   PALLURUTHY VILLAGE, KOCHI TALUK.

4. AUGUSTINE LAWRENCE JACKSON,
   S/O LATE K.J. JOSEPH, AGED 47,
   KILIYARA HOUSE, KONAM DESOM,
   PALLURUTHY VILLAGE, KOCHI TALUK.

5. ANTONY JENSON, S/O LATE K.J. JOSEPH,
   AGED 41, KILIYARA HOUSE, KONAM DESAM,
   PALLURUTHY VILLAGE, KOCHI TALUK.

6. JOSE PRINCE, S/O JOKKI, AGED 39,
   KILIYARA HOUSE, MUNDAMVELI P.O., KOCHI-7.

7. JOY, S/O ANTONEY XAVIER,
AGED 47, KILIYARA HOUSE, MUNDAMVELI P.O.,
KOCHI-7.

8. TOYI, S/O ANTONY XAVIER, AGED 49,
KILIYARA HOUSE, MALAKHAPPADI, CHELLANAM,
ANDIKKADAVU P.O.

9. FLORA, W/O ANTONY XAVIER, AGED 69,
KILIYARA HOUSE, MUNDAMVELI P.O., KOCHI-7.

10. AUSTIN, S/O ANTONY XAVIER, AGED 41,
KILIYARA HOUSE, MUNDAMVELI P.O., KOCHI-7.

11. JOSEPH JESSLY, S/O LATE K.J. JOSEPH,
AGED 49, KILIYARA HOUSE, KONAM DESAM,
PALLURUTHY VILLAGE, KOCHI TALUK.

12. PAULO MARIYAN, S/O ANTONY XAVIER,
AGED ABOUT 40, KILIYARA HOUSE,
MUNDAMVELI P.O., KOCHI-7.

BY SPL. GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 22212 OF 2007

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Dated this the 25th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The petitioner claims that he is a public spirited citizen. In this Writ Petition, filed under Article 226 of the Constitution of India, the petitioner seeks the following reliefs:

> *"i) Issue a writ of certiorari or any other appropriate writ or order quashing Ext.P1.*
> *ii) Issue a writ in the nature of declaration declaring that Ext. P1 is ultra vires to R6 of the Land Utilisation Order and will not confer any right to respondents 3 to 11.*
> *iii) Issue a writ of mandamus to the second respondent, to dispose Ext.P2 application after hearing the petitioner and affected parties.*
> *iv) Issue such appropriate writ, order or direction as deem just and fit to this Honourable Court; and*
> *v) Allow this W.P(C) with cost."*

2. In our opinion, the assertions and allegations made in this Writ Petition are not in the nature of a Public Interested Litigation. Further, the petitioner cannot claim that he has a locus standi to approach this Court for the reliefs sought for in this Writ Petition. Therefore, the Writ Petition requires

to be rejected and it is rejected.

3. However, liberty is reserved to the petitioner, if he so desires, to go before a civil court for appropriate reliefs.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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